

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:09CR179
)	Hon. Liam O’Grady
MIRWAIS MOHAMADI,)	Trial Date: February 16, 2010
)	
Defendant.)	

DEFENDANT’S MOTION TO CONTINUE TRIAL

COMES NOW the defendant, Mirwais Mohamadi, by counsel, Michael S. Nachmanoff, Federal Public Defender, and Whitney E.C. Minter, Assistant Federal Public Defender, and moves this Honorable Court to continue his trial date to March 15, 2010. In support of this Motion, defendant states as follows:

1. Pursuant to an indictment filed on April 9, 2009, Mr. Mohamadi stands charged with the following: Counts 1 and 2 each charge a separate violation of 18 U.S.C. §1951 (Hobbs Act armed robbery), Counts 3 and 4 each charge a separate violation of 18 U.S.C. §924(c)(1) (using firearm in crime of violence), Count 5 charges a violation of 18 U.S.C. §922(g) (felon in possession of firearm), Counts 6 and 7 each charge a separate violation of 18 U.S.C. §373 (solicitation to commit murder for hire), Count 8 charges a violation of 18 U.S.C. §1958 (murder for hire), Count 9 charges a violation of 18 U.S.C. §1512(b)(3) (witness tampering), and Count 10 charges a violation of 18 U.S.C. §1512(b)(1) (witness tampering). The government estimated at arraignment that trial would likely be one and one-half (1½) weeks in length.
2. The Office of the Federal Public Defender was appointed to represent Mr. Mohamadi on April 13, 2009. On July 8, 2009, Mr. Mohamadi retained Attorney Frank Salvato

and the Office of the Public Defender was withdrawn as counsel. On January 13, 2010, this Court granted Mr. Salvato's motion to withdraw as counsel and reappointed the Office of the Federal Public Defender to represent Mr. Mohamadi.

3. Mr. Mohamadi's previous counsel within the Office of the Federal Public Defender is not available to represent Mr. Mohamadi because he is currently lead counsel in a three-week trial. Undersigned counsel, Mr. Nachmanoff, did not participate in Mr. Mohamadi's original representation and will require additional time to become familiar with the case.
4. Counsel for the government has provided large amounts of discovery which require review by current undersigned counsel. Furthermore, although undersigned counsel has begun investigation, it will likely not be completed before February 16, 2010.
5. Finally, while counsel for Mr. Mohamadi is available on February 16, 2010, the government has indicated this matter will likely take a week and a half to try and Mr. Nachmanoff is committed to be out of town the week of February 23, 2010. Ms. Minter is scheduled to be in trial the week of February 23, 2010.
7. In order to effectively represent Mr. Mohamadi at trial, therefore, defense counsel will need additional time to prepare.
8. Undersigned defense counsel has conferred with counsel for the government, who takes no position on this motion; however, the government has indicated that March 15, 2010 would be an available trial date.
9. A proposed order is attached.

For all of the foregoing reasons, defendant respectfully requests that the Court continue his

trial to March 15, 2010 at 10:00 a.m.

Respectfully submitted,
MIRWAIS MOHAMADI
By Counsel,

By: _____/s/
Michael S. Nachmanoff
Virginia Bar No. 39180
Federal Public Defender
Whitney E.C. Minter
Virginia Bar No. 47193
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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2010, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Ronald Walutes, Esq.
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Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of the electronic filing.

By: _____/s/
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